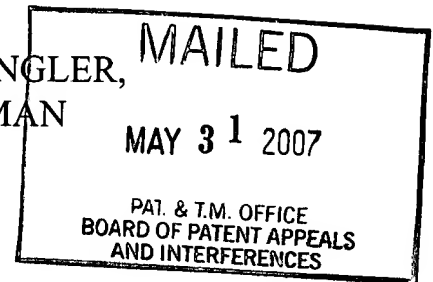


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL J. BRISKIN, DOUGLAS J. RINGLER,
DOMINIC PICARELLA and WALTER NEWMAN

Application No. 08/875,849



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on March 12, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On February 20, 2007, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 3, paragraph 8, the examiner relied on the following references:

Vonderheide et al.	5,599,676	2-1997
Butcher et al.	WO 94/13312	6-1994

Erie et al., Journal of Immunology, 153: 517-528, 1994.

Application No. 08/875,849

A review of the file reveals that reference Capon et al (US Patent No. 5,565,335) was used in the rejection of claims 24-26, 28-31, 105-108, 111, 113, 115, 116, 118, 120-121, 124, 126-142, 144-147, 149-150, 152, 154, 155, 157-160, as stated in the Grounds of Rejection, page 8, of the examiner's answer. The Manual of Patent Examining Procedure, in § 1207.02 states:

(8) *Evidence Relied Upon.* A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Appropriate correction is required.

Application No. 08/875,849

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner for:

- 1) issue and mail a PTOL-90 citing all of the references used in the rejection of claims on appeal; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/dal

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133